

Attorney(s) name(s) and state bar number (space below for
Law Firm filing stamp only)
Address
Telephone number
Facsimile number
E-mail address

Attorney(s) for Protestant

SAMPLE PROTEST

3070 Modification

STATE OF CALIFORNIA

NEW MOTOR VEHICLE BOARD

In the Matter of the Protest of)
NAME OF DEALERSHIP,) Protest No. (leave blank)
Protestant,)
v.) **PROTEST**
NAME OF MANUFACTURER/DISTRIBUTOR,) [V.C. sec. 3070]
Respondent.)
_____)

Protestant, _____, through its attorney(s), files
this protest under the provisions of California Vehicle Code section
3070 and alleges as follows:

1. Protestant is a new recreational vehicle dealer selling
_____ and is located at _____.
Protestant's telephone number is _____.

2. Respondent distributes/manufactures _____
products and is the franchisor of Protestant.

3. Protestant is represented in this matter by [Name of
Attorney or Protestant (if representing self)], whose address and
telephone number are _____.

///

1 4. On or about _____, Protestant received from
2 Respondent a letter dated _____, advising Protestant that
3 Respondent intends to replace its existing franchise agreement with a
4 new agreement.

5 5. Respondent's actions will result in the modification and
6 replacement of Protestant's franchise, without notice, and without
7 Protestant's knowledge of consent, and such modification and
8 replacement will substantially affect Protestant's sales and service
9 obligations and investments, in violation of the provisions of
10 California Vehicle Code section 3070.

11 6. Respondent does not have good cause to modify or to replace
12 the franchise by reason of the following facts:

13 (a) Protestant has made a substantial and permanent investment
14 in the dealership.

15 (b) Protestant has transacted and is transacting an adequate
16 amount of _____ business compared to the business available to
17 it.

18 (c) Protestant has fulfilled the warranty obligations to be
19 performed by it.

20 (d) The extent of any failure of Protestant to comply with the
21 terms of the franchise agreement is immaterial.

22 (e) Protestant has adequate recreational vehicle sales and, if
23 required by the franchise, service facilities, equipment, vehicle
24 parts, and qualified service personnel to reasonably provide for the
25 needs of _____ buyers and owners in the market area and is
26 rendering adequate services to the public.

27 (f) It would be injurious to the public welfare for the
28 franchise to be modified.

///

1 7. Protestant and its attorney(s) desire to appear before the
2 Board and estimate that the hearing in this matter will take _____
3 days to complete.

4 8. A Pre-Hearing Conference is requested.

5 WHEREFORE, Protestant prays as follows:

6 1. That the Board sustain this protest and order Respondent
7 not to modify Protestant's franchise.

8 2. That pending the hearing in this matter, the Board or its
9 authorized representative immediately order Respondent not to modify,
10 replace, or refuse to continue Protestant's franchise until such time
11 as Respondent has established good cause for such actions under the
12 provisions of Vehicle Code sections 3070 and 3071.

13
14 DATED: _____

15
16
17 By _____

18 Attorney(s) name(s)
19 (original signature required)

20 * * * * THE PROTEST MAY NOT BE PROCESSED WITHOUT AN * * * *
21 ATTACHED PROOF OF SERVICE AND A \$200.00 CHECK TO
22 COVER PROTESTANT'S FILING FEE
23
24
25
26
27
28